

WORK STUDY SESSION MINUTES

Tulsa Development Authority Board of Commissioners

One Technology Center
175 East 2nd Street
Tulsa, OK 74103
10th Floor North Conference Room

Thursday – June 5, 2014

8:30 a.m.

Present:

Julius Pegues, Chairman
Carl Bracy, Commissioner
Roy Peters, Commissioner
Nancy Roberts, Commissioner
Steve Mitchell, Commissioner
O.C. Walker II, Executive Director
Jot Hartley, General Counsel

Absent:

Also Present:

Kevin Anderson
Andrew Coffey
Jim Coles
Mike Dickerson
Marsha Hinds
Steve Larry
Ray Meldrum
Matt Meyer
E.C. Richards
Eric Richards

Also Present:

Mike Thedford
Delise Tomlinson
Kathleen Watson
NaTasha Bunch
Jane Malone
Carol Young

The meeting was called to order at 8:35 a.m. by Chairman Pegues. Chairman Pegues welcomed everyone to the monthly Tulsa Development Authority Work Study Session and stated no votes would be taken at this meeting. All Reports and supporting documentation were distributed for the June 5, 2014 Tulsa Development Authority Work Study Session and will be incorporated by reference to these minutes. The agenda will be followed as filed.

1. **Roll Call:** Jane Malone called roll; Chairman Pegues and Commissioner's Bracy, Mitchell, Peters and Roberts were in attendance. A quorum was present.

2. **Staff Reports and Discussion - City of Tulsa (C.O.T.)**

a. **Mr. Leon Davis (Disposition) – Copy of this report was included in the Commissioner's packets:** Mr. Davis provided an updated Staff Report with modifications indicated in "**Bold**" print. Mr. Davis was not present for the meeting. Chairman Pegues stated Executive Director Walker and General Counsel Hartley, would attempt to answer questions regarding Mr. Davis's report.

- **The Flats on Archer, LLC**
 - Resolution No. 5962 dated May 1, 2014 authorized an additional 90 days to complete due diligence. The total amount of days authorized for due diligence is 270. No change.
- **Ogan's Circle**
 - Tulsa Development Authority Board requested that General Counsel Hartley send notification to Redia Inc. of default on the Ogan's Circle project.
- **Wintrust Homes LLC, formerly American Equalities**
 - Commissioner Roberts questioned if any additional development has occurred with this project. Executive Director Walker reported the report should be updated and Chairman Pegues stated Mr. Walker will be making changes regarding the disposition report prior to the next meeting.
- **100 Boulder, LLC, formerly Mapleview Associates, LLC**
 - Foundation and footings have been poured. Walls are being erected. Completion date is set for September 2014.
- **Hartford Commons LLC**
 - Plat filed February 25, 2014. Construction plans under review by City of Tulsa. Closing is pending.
- **Tulsa Urban Development Group, LLC, d/b/a Urban8, LLC**
 - Sale closed on May 12, 2014.
- **Hogan on Greenwood LLC**
 - Sale closed on May 15, 2014.
- **GreenArch LLC**
 - Chairman Peters questioned the ownership of this Property. General Counsel stated Tulsa Development Authority owns the property and it is subject to a redevelopment contract. General

Counsel is preparing a Quiet Title action regarding the railroad right-of-way and has requested a legal description from Ray Meldrum.

- **Core Associates LLC**
 - Resolution No. 5964 dated May 1, 2014 authorizing a total of 575 days to complete Due Diligence.

b. TIF Project Update – Mr. Mike Thedford: Copy of report is included in the Commissioner’s packets: Mr. Thedford provided an overview regarding the status of TIF projects, as follows:

- **Blue Dome Lighting Project:** Fund 6967 – Approximately 150 lights throughout Blue Dome District, which were approved at last month’s meeting. A proposal from Wallace Engineering was submitted, but was not executed. Mr. Thedford recommended making changes for submitting proposals. Chairman Pegues suggested seeking additional proposals from the Blue Dome Merchants Association before seeking additional proposals. General Counsel Hartley stated it is customary for Tulsa Development Authority to coordinate with Committee Associations, but Tulsa Development Authority is not legally obligated to do so. Tulsa Development Authority’s responsibility is for the administration of the TIF.
- **Proposed streetscape improvements to Cameron Street:** Fund 6963 – Streetscape enhancements meeting Brady District Standard. Design concept are completed. The district owner’s and John Hope Franklin’s Reconciliation Park are exploring private funding to match TIF funding. EDA funding is available, but the project may not be a candidate for an award. Estimated costs is approximately \$360,000 to \$450,000.
- **Elgin streetscape improvements:** Fund 6967 – Streetscape Enhancements matching Downtown Streetscape Master Plan guidelines. Final approval has been signed by Tulsa Industrial Authority authorizing hiring a Contractor and a pre-work meeting has been scheduled with the City of Tulsa. Construction is set to begin in June 2014.

c. TIF Project Report – Mr. Jim Coles: A copy of report is included in the Commissioner’s packets: Mr. Coles provided an overview regarding the status of inactive TIF projects. A recent review of the existing TIF Districts has identified several projects that have balances remaining, but funds have not been expended for over one year. After visiting with Norman Kildow in Accounting, a list was developed with the intention of

taking the funds from these inactive projects and returning it to unobligated cash within the respective TIF. This would allow the funds to be redistributed for new projects. The TIF projects are: Blue Dome, Brady District, Technology, North Peoria, and Central Park. Mr. Coles will take the funds from these inactive projects and return it to unobligated cash within the respective TIF.

3. General Counsel

- a. **Pending Litigation Report was included in the Commissioner packets:** Counsel Hartley provided the monthly pending litigation report. Counsel Hartley reported that any changes or new items are indicated in “**BOLD**” print. He also provided a status and overview of the report:

Condemnation:

- **Charles Sturner**
Tulsa Development Authority Counsel has contacted the landowner’s counsel and requested names of witnesses and dates for depositions. There has not been participation from the landowner’s counsel for discovery, despite the request for a jury trial being instituted by the Plaintiff. General Counsel Hartley is optimistic the case will be dismissed.

Other:

- **Lamar Central Outdoor Advertising**
Case was Dismissed with Prejudice on May 8, 2014. Case Closed!
- **Novus Homes (Wilkins)**
Wilkins submitted schematic plans pursuant to the Redevelopment Agreement. The project should be closing soon. When the closing occurs, the litigation case will be dismissed without prejudice.

Personal Injury Claim:

- **Gammill, Gary v. TDA**
A scheduling conference was held on May 28, 2014. The Plaintiff waived a Jury Trial. Commissioner Mitchell had questions regarding the insurance coverage by the City of Tulsa. General Counsel Hartley advised that issue can be added to the Executive Session for next week’s Board Meeting.

4. Financial Reports

- a. February 2014 – Income and Expenditure Report - included in the Commissioner packets:** Mr. Norman Kildow was not present for the meeting. Mr. Steve Larry provided an updated report and an overview of the Income and Expenditure Report for the Commissioners and answered questions.
 - b. February 2014 - Program Income Reports - included in the Commissioner's packets:** Mr. Steve Larry provided information and gave an overview of the Program Income Report Fund No. 5540. Mr. Larry requested a Resolution authorizing \$1.85 be transferred to City of Tulsa.
 - c. Comparative Financial Statements – included in the Commissioner packets.** Mr. Steve Larry provided an overview of the Comparative Financial Statements Report and answered questions from the Board. These items will be placed on the Regular Board Meeting agenda.
 - d. Budget Amendment to Fund No. 3101 – Increase Budget \$50,000 for Fiscal Year 2013 - 2014.** Executive Director Walker requested the Board authorize a Resolution to increase Fund No. 3101 in the amount of \$50,000 for Fiscal Year 2013 - 2014.
 - e. Proposed Fiscal Budget for 2014 – 2015.** Executive Director Walker stated Mr. Kildow will be at the Regular Board Meeting on June 12th. At that time he will provide an overview of the Proposed Budget. Questions regarding the budget should be emailed to Executive Director Walker who will forward to Mr. Kildow. Mr. Walker also noted modifications can be made to the budget until the final budget is submitted which is due on Wednesday, June 11th.
- 5. Discussion and consideration for Partial Release of Covenant to Festival Park located at River Parks West Trail, Tulsa, Oklahoma:** Mr. Matt Meyer, Executive Director with the River Parks Authority, was present to discuss and answer questions regarding the rationale to release the covenant. This item will be placed on the agenda for the Board Meeting on June 12th.
 - 6. Discussion and consideration to review Draw Request No. 2 from East End Village, LLC for Downtown Housing Fund for the East End Village project located at 401 and 405 S. Elgin Avenue, 408 and 418 S. Frankfort Avenue, 414 East 4th Street and 415 East 5th Street, Tulsa, Oklahoma:** Executive Director Walker provided an overview of the East End Village project. The project is at an additional eight (8) percent completion since the first draw request.

The project is at 39% completion. The request is for \$62,451.72 and all documentation has been received and included in the Commissioner's packets. This item will be placed on the agenda for the Board Meeting on June 12th.

Commissioner Peters moved to go into Executive Session at 9:25 a.m., seconded by Commissioner Bracy. The vote was recorded as follows:

Ayes: Pegues, Bracy, Mitchell, Peters and Roberts

Nays: None

The motion passed unanimously.

7. Executive Session: Discussion, consideration and vote to go into Executive Session as authorized by 25 O.S. §307(b)(4) for confidential communications with TDA General Counsel regarding a pending investigation, claim or action upon determination by the TDA Board of Commissioners, with the advice of its General Counsel, that disclosure will seriously impair the ability of the Tulsa Development Authority Board of Commissioners to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest and/or 25 O.S. §307(c)(10) for the purpose of conferring on matters pertaining to economic development for which public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business:

- a. Confidential communication with Counsel regarding an update on the First Street Lofts project, located one-quarter (¼) mile east of Detroit Avenue, and south of 1st Street, (310 E. First Street) Tulsa, Oklahoma. [25 O.S. §307(b)(4) and §307(c)(10)]**
- b. Confidential communication with Counsel regarding Ogan's Circle development located south of Virgin Street between Osage Prairie Trail and Lansing Avenue, Tulsa, Oklahoma. [25 O.S. §307(b)(4) and §307(c)(10)]**
- c. Confidential communication with Counsel regarding the Service Agreement between the City of Tulsa and The Tulsa Development Authority. [25 O.S. §307(b) (4) and §307(c) (10)]**
- d. Confidential communication with Counsel regarding a Redevelopment Agreement between CORE and Associates, LLC and Tulsa Development Authority for City of Tulsa owned property located on the southeast corner of 4th Street and Frankfort Avenue, Tulsa, Oklahoma, a/k/a Fire Station No. 1. [25 O.S. §307(b) (4) and §307(c) (10)]**

- e. Confidential communication with Counsel regarding an Agreement for Services between Houseal Lavigne, Associates and Tulsa Development Authority for the Sector Plan update.

Executive Session adjourned at 11:00 a.m.

Commissioner Mitchell exited the meeting at 11:02 a.m.

- 8. **Vote to return to open session:** Commissioner Bracy moved to return to Open Session at 11: 03 a.m., seconded by Commissioner Peters. The vote was recorded as follows:

Ayes: Pegues, Bracy, Peters and Roberts

Nays: None

The motion passed unanimously.

- 9. **Statement of the Executive Session:** During the Executive Session, all Commissioners of the Authority who were present for this meeting were present for the Executive Session. The Authority maintained a quorum. During the Executive Session, the items on the published Agenda were the only items discussed. No votes were taken during the session. This will constitute the minutes of the Executive Session.

- 10. **Discussion and consideration on items discussed in Executive Session.**

Items to be placed on the Regular Meeting Agenda:

Executive Session Agenda Items:

- 3. Gary Gammil - discussion regarding insurance coverage
- 7. a. CORE Associates - Amendment to Redevelopment Agreement
- c. Ogan's Circle – Resolution to Recover Property

Work Study Items to be placed on the Regular Meeting Agenda:

- 2. c. Inactive TIF Funds
- 4. a., b., c., April 2014 Financial Reports
- 4. d. Budget Amendment to Fund No. 3101
- 4. e. Proposed Fiscal Budget for 2014 - 2015

5. Release of Partial Covenant
6. East End Village – Draw Request No. 2

11. New Business:

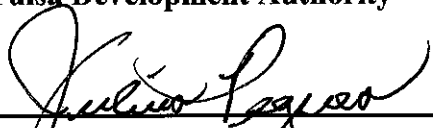
- Commissioner Bracy attended the John Hope Franklin Symposium on behalf of Tulsa Development Authority stating the symposium was very informative and educational. Commissioner Bracy also stated, he will not be in attendance for the June 12, 2014 Board Meeting.

12. Adjournment: Commissioner Bracy moved to adjourn at 11:06 a.m., seconded by Commissioner Roberts. The vote was recorded as follows:

Ayes: Pegues, Bracy, Peters & Roberts
Nays: None

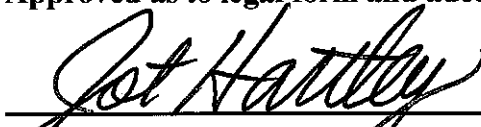
The motion passed unanimously.

Tulsa Development Authority



Julius Pegues, Chairman

Approved as to legal form and adequacy:



Jot Hartley, Esq., General Counsel

[6-5-2014 – Work Study Minutes (nb-jm-ar)]